

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BMG RIGHTS MANAGEMENT)
(US) LLC and ROUND HILL)
MUSIC LP)

Plaintiffs,)

v.)

Case No. 1:14-cv-1611(LO/JFA)

COX COMMUNICATIONS, INC. and)
COXCOM, LLC)

Defendants.)

_____)

**PLAINTIFFS' MOTION *IN LIMINE* NO. 2 TO EXCLUDE
IRRELEVANT INFORMATION ABOUT RIGHTSCORP'S
ALLEGED SPOILIATION OF ITS SOURCE CODE**

Pursuant to Federal Rules of Evidence 402 and 403, BMG Rights Management (US) LLC ("BMG") hereby moves for an order prohibiting Defendants Cox Communications, Inc. and CoxCom, LLC (collectively "Cox" or "Defendants") from referencing any alleged spoliation of Rightscorp's source code. An accompanying memorandum of law has been filed in support of this motion.

For the reasons set forth in the accompanying Memorandum in Support, the Court should grant the Motion.

Local Rule 7(E) Meet and Confer Statement

On July 18, 2018, BMG and Cox met and conferred and were unable to agree on the issues raised in this motion. Accordingly, the parties need the Court's intervention.

July 20, 2018

Respectfully submitted,

/s/ Scott Richey
Scott Richey (VSB No. 83313)
SRichey@steptoe.com
STEPTOE & JOHNSON, LLP
1330 Connecticut Ave, NW
Washington, DC 20036
Tel.: (202) 429-3000
Fax: (202) 429-3902

Walter D. Kelley, Jr. (VSB No. 21622)
HAUSFELD, LLP
1700 K Street, NW
Washington, DC 20006
202-540-7200

Of Counsel

Michael J. Allan (admitted *pro hac vice*)
William G. Pecau (admitted *pro hac vice*)
John M. Caracappa (admitted *pro hac vice*)
Jeffrey M. Theodore (admitted *pro hac vice*)
Stephanie L. Roberts (admitted *pro hac vice*)
STEPTOE & JOHNSON, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Tel.: (202) 429-3000
Fax: (202) 429-3902

Michael O. Crain
Crain Law Group, LLC
The Bottleworks
297 Prince Avenue, Suite 24
Athens, Georgia 30601
Tel. (706) 548-0970
Fax: (706) 369-8869

Counsel for BMG Rights Management (US) LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2018, I electronically filed a true and correct copy of the foregoing using the Court's CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record:

Thomas Buchanan (VSB No. 21530)
tbuchanan@winston.com

/s/ Scott Richey
Scott Richey (VSB No. 83313)
SRichey@steptoe.com
STEPTOE & JOHNSON, LLP
1330 Connecticut Ave, NW
Washington, DC 20036
Tel.: (202) 429-3000
Fax: (202) 429-3902